



**NOTE:** *Church of England schools are now legally required to consult with their Diocesan Board of Education, in respect of school admissions, prior to any consultations with other bodies. C of E Schools are required to 'have regard' to this diocesan advice when formulating their admission policies and arrangements.*

*For the purposes of consulting on the 2004/05 admissions arrangements, schools should regard this summary as the formal advice of the LDBS to C of E schools in the Diocese, in respect of school admissions.*

*This summary will be followed later in year with a more detailed version on admissions and appeals, which will also include model policies, letters, and application forms.*

**Section 1: Advice and Guidance on Legal & Procedural Matters**

**Section 2: Advice and Guidance on Particular Issues for Church of England Schools**

**Annex 1: Names of Churches Affiliated to Churches Together in Britain & Ireland and the Evangelical Alliance**

**Annex 2: Other Key Documents and Legislation**

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## **SECTION 1: GUIDANCE ON LEGAL AND PROCEDURAL MATTERS**

### **Consulting on and Determining Admission Arrangements**

1. The Education Act 2002 introduced a number of changes to the admissions system. As a result, a new Code of Practice and new Regulations has been introduced. The first set of admission arrangements to be affected will be those for the 2004/05 academic year. All schools should be sent the new Code of Practice by the DfES. Governing bodies of voluntary aided and foundation schools as well as (City) Academies continue to be responsible for admissions. However, a new co-ordinating role is being given to LEA's and governing bodies must have regard to advice and guidance from a number of bodies when determining their admission arrangements.
2. When drawing up their arrangements (and subsequently consulting on them), schools must include information on the following:
  - Planned admission numbers for any admission years (including year 12<sup>1</sup>)
  - Application procedures and timetables
  - Over-subscription criteria to be used and the order and method in which they will be applied if the school is oversubscribed

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<sup>1</sup> Most of the information set out in the bullet points of Paragraph 2 must be provided for Year 12 admissions

- Information about any tests for aptitude or ability
- Details of any additional information required, such as evidence of religious commitment, and of the objective criteria that will be used to judge these aspects
- Any separate entry requirements and over-subscription criteria for year 12 or nursery places
- Information about whether a waiting list will be maintained and for how long, plus confirmation that this will be maintained in the order of over-subscription criteria
- Information about how late applications can be made and how they will be handled

Schools must also provide information to parents on their appeals procedures, although there is no requirement to consult on these arrangements, but they must obviously comply with statutory requirements.

3. In drawing up their admission arrangements, governing bodies must have regard to the advice in the Code of Practice and must then first consult with the LDBS and have regard to its advice and guidance. Governing bodies must also take into account and have regard to any advice issued by the new statutory Admissions Forum for their area.
4. Governing bodies must then subsequently consult with **all** maintained schools (not just voluntary aided schools) and LEA's within their relevant area, as well as any neighbouring LEA's outside the relevant area which are within 3 miles for secondary schools and two miles for primary schools. Primary schools do not have to consult with secondary schools, but secondary schools must consult with both primary and secondary schools.
5. For September 2004 admissions, consultations must be completed by 1 March 2003. Most LEA's will arrange to circulate the admissions arrangements for VA schools to all the relevant parties if the school wishes (although in this first year of the new procedures the timetable is very tight). It is acceptable for consultation to be done by e-mail (but simply publishing the arrangements on a school website is not permissible).
6. Governing bodies must determine (ie finalise) their admission arrangements for entry in September 2004 by 15 April 2003, after having considered any comments and objections from those they have consulted. Within 14 days of the arrangements being determined, all consultees must be notified of the outcome.
7. After this first round of consultations and determinations, schools are allowed to consult every other year (provided that no changes are proposed for the 'fallow' year and that there were no objections to the adjudicator in the preceding 5 years)
8. Any body that has been consulted (including the governing bodies of community schools) may register an objection with the Adjudicator if they are unhappy with the final determination of admission arrangements. Objections relating to religious or denominational issues are referred to the Secretary of State, not the adjudicator.

### **Over-subscription Criteria**

9. As a general rule, all schools are required to comply with a parental preference for a school if there is a vacant place in that school.<sup>2</sup> This is regardless of any over-subscription criteria used by the school.
10. Admissions criteria only come into play when a school is oversubscribed. In such cases, the over-subscription criteria (and how they are applied) should be '*objective, fair, and compatible with admissions and equal opportunities legislation*'. The criteria also have to have been decided with regard to any relevant advice from the local Admissions Forum, the Diocesan Board of Education (for C of E schools), and the Code of Practice and been subject to the consultation procedures as set out above.
11. The ability of schools with a religious character to give preference to members of a particular faith or denomination (as may be required by their Trust Deed) remains a legal right, providing the particular arrangements do not conflict with other legislation eg race relations legislation.
12. Commonly used and acceptable over-subscription criteria are listed below. Over-subscription criteria need to be clearly defined eg definition of a sibling; how distance from school will be measured:
  - Religious affiliation and commitment of parents
  - Sibling links
  - Distance from school
  - Catchment areas (including ecclesiastical catchment areas such as a parish, deanery or diocese) – but catchment areas which are co-terminous with LEA boundaries are not allowed
  - Attendance at named feeder primary schools
  - Aptitude (relevant to specialist secondary schools)
  - Ability (for the purposes of banding only)
  - Medical or social grounds
  - Looked after children
  - The rank order expressed by the parent for that school

Children with special educational needs, but without a statement, must be treated as fairly as other applicants and on the same criteria. Where a child has a statement of special educational needs naming a particular school, the school is legally required to admit that pupil. As such, statemented pupils take automatic precedence over all other pupils. Discussion and negotiation should take place between a school and the statementing authority before a school is named in a statement.

13. In deciding which pupils to admit, schools may use a variety of methods. These include;
  - A Allocating all places according to an agreed order of priority of the relevant criteria. Where there is over-subscription in any of the criteria, eg the number of application from pupils from named feeder schools or from practising Anglicans exceeds the (remaining) number of places available, then another criterion (sometimes called a tie-breaker) must be used to allocate the places within that group. The most commonly used tie-breaker is home-school distance.

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<sup>2</sup> The exception to this general rule relate to previously excluded pupils, pupils with challenging behaviour or to grammar schools

- B Allocating the number of places available proportionately to various 'groups' eg 40% of places to practising Anglicans, 30% to practising Christians of other denomination 30% for neighbourhood or community places; or 25% to Band 1, 50% to Band 2 and 25% to Band 3 pupils<sup>3</sup>. Where the number of applications for any one group exceeds the number of places available, then another criterion or tie-breaker must be used. (See A above). If there are not enough applications to fill the number reserved for a group, then the 'shortfall' can be taken up by applications to other groups.
- C A small number of schools work on a points system for applications. Points are awarded for various criteria and then places are awarded in order of the number of points gained by pupils. Even under this system, some criteria such as distance from school may have to be used to discriminate between those who have equal numbers of points. A points system could also be used alongside Method B above.
14. The Code of Practice recommends that admission authorities give 'top priority' to children in public care ('looked after children'). Schools with a religious character may give priority to looked-after children of their faith over those children belonging to other faiths.
15. Secondary schools (and possibly primary schools) will be required by a certain date to let the LEA have a list of all those children they intend to offer a place to. They will also be required to put in rank order a reasonable number of children who may be offered a place if any of their offered places are not accepted.

### **Obtaining Information in Order to Apply the Criteria**

16. Governing bodies will need to obtain information from parents in order to apply their admissions criteria. Much of the information will be available from the LEA application form. However, VA church schools will probably need to seek additional information from parents in order to apply their specific criteria.
17. Acceptable ways of obtaining additional information include:
- Asking the parents to provide additional information or evidence via an 'application form' which is separate from the LEA application form. Schools will need to agree with LEA's how any additional forms requiring additional information are to be received or submitted. The information sought should be objective, factual information. Where this includes information about parental religious affiliation or commitment, further information, evidence or corroboration may be sought from a priest or minister.
  - Where schools allocate places on the basis of banding or aptitude, it is permissible to test all applicants in order to determine their ability, potential or aptitude.

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<sup>3</sup> A very small number of schools (in the main not Church of England) had agreements with their LEA to limit the numbers of pupils who were from another religious faith or denomination to a particular percentage eg 10% of the school as a whole, even if there were unfilled places. It is no longer possible to do this.

18. Unacceptable and illegal ways of obtaining additional information or of deciding whether or not to offer a place include:
- Interviewing pupils and/or parents (prior to offering a place). Schools may continue to interview parents after a place has been offered as part of the transfer or induction process.
  - Requiring attendance at a open meeting
  - Requiring parents to sign a home-school agreement
  - Offering places on the basis of receipt of application

### **Decisions about Offering or Refusing places**

19. The Admissions Committee or the Governing Body should make decisions on allocating places and refusing a place; those decisions cannot be delegated to a headteacher. If the decisions about admissions are delegated to an Admissions Committee, the headteacher should be a member of that committee.
20. Headteachers or school staff should be careful not to give parents an expectation that their application will be successful or actually tell them that their child has been given a place, before admissions decisions have actually been made. Case law has established that where parents have been told by a headteacher or school official that they have a place, then that 'offer' must be honoured even though the governors may not have authorised that person to make it.
21. In the case of children who are refused admission to, or permanently excluded from, all schools within a reasonable distance of home, an LEA can direct a VA or foundation school to admit the child. If the governing body is not willing to accept the direction, it may refer the matter to the Secretary of State.
22. Schools with a nursery class attached need to make it clear that the procedure for admission is not the same as for admission into the reception class. Published admission arrangements should make it clear that attendance in the nursery class does not guarantee a place in the reception class. Legislation relating to primary and secondary school admissions does not apply to nursery schools or children admitted to nursery classes. However, governing bodies of VA schools are responsible for taking decisions about admissions into the nursery class.
23. Infant classes of 5,6 and 7 year olds may not contain more than 30 pupils with a single qualified teacher. However admission authorities can only refuse a place to 'the 31<sup>st</sup>' child if they can show that admitting that child would result in inefficient education or inefficient use of resources eg employing two teachers.
24. Where a school intends to admit pupils from outside the school to Year 12 (the 6<sup>th</sup> form), the admission arrangement should indicate an admission number for those being admitted for the first time, entry requirements (if any) and over-subscription criteria. As with admissions at compulsory school age, parental preference must be met (where possible). Applicants refused admission (including those currently attending the school) are entitled to appeal to an independent appeal panel.
25. Schools may not hold back or reserve places in the expectation that there may be later applications from families moving into the catchment area. Nor should schools

admit significantly above their published admission number unless this has been agreed with the Admission Forum.

26. When parents are refused a place at a school, they should be told the reason for that refusal. Any parent refused a place may appeal to an independent appeal panel.
27. Offers of places should only be withdrawn if there is evidence that the application was fraudulent or intentionally misleading; or where a parent has not responded to an offer within a reasonable time. <sup>4</sup>

### **Other Matters**

28. Admissions Forums are now mandatory bodies with an important advisory role.
29. Adjudicators are independent of the LEA and Secretary of State. They may consider objections on any aspect of schools' and LEA admission arrangements (although there are certain restrictions as to who can object to what). Objections can come from LEA's, schools or parents.
30. LEA's are now required to run co-ordinated admission schemes for 2005 intakes but many LEA's will pilot them in for the 2004 intakes. In future there will be co-ordination both **within** LEA's for primary and secondary schools and **between** LEA's for secondary schools. *'The purpose of co-ordinated admission schemes is to establish mechanisms for ensuring, so far as reasonably practicable' that every parent of a child living in the LEA area who has applied for a school place in the 'normal admission round', receives an offer of one, and only one, school place on the same day.'*
31. March 1 will be the day for offering places to secondary schools and there will be designated days for admission to primary schools. Parents must be allowed to express a preference for at least 3 secondary schools in order of priority. If a number of schools offer a place to a parent, the LEA will offer to the parent the place that corresponds to the parent's highest expressed preference.
32. Legislation on co-ordinated admission arrangements does not apply to Academies and City Technology Colleges. However, Academies are required to participate by virtue of their funding agreements; CTC's are encouraged to participate
33. LEA's and school governing bodies must publish information about their admission (and appeal) arrangements. LEA's must do this for all maintained schools in their area. Schools should publish their admission arrangements in the school prospectus, (but they can do this in a separate format as well).

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<sup>4</sup> It is not generally lawful to withdraw a school place once the child was attending that school, except where that place was fraudulently obtained. In deciding whether to withdraw the place, the length of time the child has been at the school should be taken into account.

## SECTION 2: ADVICE AND GUIDANCE ON PARTICULAR ISSUES FOR CHURCH OF ENGLAND SCHOOLS

A summary of the policy and advice of the LDBS in relation to particular issues for Church of England schools in the Diocese of London is set out below. Governing bodies of voluntary aided Church of England schools are required to have regard to this advice when devising and administering admission and appeal arrangements, prior to consultation with other bodies.

### **The London Diocesan Board for Schools advice is that:**

#### **A dual Purpose**

1. In a multi-cultural and largely secular society, the Church of England school of today has a dual purpose. Firstly, it offers a Christian education to the children of Christian parents, and secondly it continues to fulfil its historic mission (frequently expressed in the school's trust deed) to all children, irrespective of faith, in its local community. The admissions policy is an important feature of how the school sees itself maintaining and developing that tradition within its local and contemporary setting.

#### **Distinctively Christian**

2. The Church of England school should endeavour to be a **distinctively Christian** community where the education and ethos of the school are clearly rooted in, and nourished by, Christian belief and values. Unless Church schools are distinctively Christian, they cease to be Church schools and are denying the purposes for which they were founded. However, as with the Church of England and the Christian Church generally, that distinctiveness can take different forms. The history of the school, of the churches associated with that school, and of the surrounding community will shape the particular character and ethos of the school.

#### **Inclusive**

3. The Church of England school should also endeavour to be an **inclusive** community, reflective of the important truth that Christ and the Gospel are inclusive. Inclusiveness, like distinctiveness, can be expressed in a number of ways, and not just in relation to admissions, although this is an important dimension. Other examples of inclusiveness are the way in which the school engages with other schools, the school's involvement in the community, and the curriculum.
4. As far as admissions are concerned inclusiveness can also be expressed in a number of ways, for example, the religious background and affiliation of the pupils and their parents; socio-economic background, ethnicity, gender, pupils at risk, pupils with special needs and disabilities. If the governing body accepts the concept of the dual role of the church school outlined above, they will agree that there should not be exclusive priority for the children of Christian parents.
5. The LDBS recognises that many Church of England schools in the Diocese, especially secondary schools are heavily oversubscribed and could easily be filled with the children of committed Christian parents. The Diocese is endeavouring to persuade local and central government that there is a large unmet need for additional Church of England places. Nevertheless, the LDBS believes that all governing bodies should aim to ensure that children of other backgrounds and/or the local community

whose parents, even if they are not practising Christians, have other valid reasons for choosing the school should have some access to school places, even in those schools that are significantly over-subscribed.

6. In any new Church of England school, the aim over time should be to achieve an appropriate balance of 'foundation' and 'open places' sufficient to ensure that the school is a distinctively Christian institution, whilst also serving the wider community in which it is located.

### **Social and Medical – Including 'Looked-After' Children**

7. Governing bodies should also aim wherever possible, to give a high priority in their admissions criteria to children with medical or social needs and those who are in public care – 'looked after children'. This is an expectation of community schools and Church of England schools should be no less responsible and caring in this regard.

### **Defining church criteria**

8. Over-subscription criteria have to be objective and unambiguous. When membership or commitment to a Christian church is to be used as a criterion, then that criterion needs to be defined. Frequently Church of England schools define membership or commitment in terms of regular attendance over a period of time at a church. In such cases the frequency of attendance and length needs to be specified. Particular Anglican churches may also need to be defined eg the parish church attached to the school, or churches within a particular Deanery. Some admissions policies also include information on parents active involvement in a church; this is more difficult to use as a criterion, but where it is used the information sought needs to be objective. Schools and parents need to be clear as to how the information will be used in allocating places.
9. We are aware of parents attending church for the required period of time simply in order to meet the admissions criteria. This is a difficulty for schools, clergy and those parents genuinely committed to a particular church. However, we would caution against making church attendance criteria ever more lengthy and frequent in order to reduce the numbers matching the Christian commitment criteria, or to discourage those parents not genuinely committed to a church.

### **Members of Other Christian Denominations**

10. Where governing bodies make provision in their over-subscription criteria for families from other Christian denominations (besides Anglicans), it is advisable to specify that those denominations should be full or associate members of **Churches Together in Britain and Ireland** or of **The Evangelical Alliance**. A list of those churches that are full members of these bodies is printed as an annex to this summary.

## ANNEX 1

### CHURCH MEMBERSHIP OF ECUMENICAL BODIES

There are two main ecumenical bodies in England, whose members would be 'recognised' by the Church of England. These two bodies are **Churches Together in Britain & Ireland** and **the Evangelical Alliance**. The denominations listed below are full members of those two ecumenical bodies and are correct at the time of printing. For up-to date information see contact details below.

Please also note that many members of The Evangelical Alliance are individual congregations or churches and therefore too numerous to list here. However, they can be 'searched for' on the Evangelical Alliance website.

### CHURCHES TOGETHER IN BRITAIN AND IRELAND

[www.ctbi.org.uk](http://www.ctbi.org.uk) (telephone: 020 7620 4444)

#### Full Members

Baptist Union of Great Britain	Methodist Church
Cherubim and Seraphim Council of Churches	Methodist Church in Ireland
Church in Wales	Moravian Church
Church of England	New Testament Assembly
Church of Ireland	Presbyterian Church of Wales
Church of Scotland	Religious Society of Friends
Congregational Federation	Roman Catholic Church in England & Wales
Council of African and Caribbean Churches	Roman Catholic Church in Scotland
Council for Oriental Orthodox Christian Churches	Russian Orthodox Church
Evangelische Synode Deutscher Sprache in Grossbritannien (Synod of German-speaking Churches)	Salvation Army (UK Territory)
Free Churches Group of Churches Together in England	Scottish Episcopal Church
Greek Orthodox Church	Serbian Orthodox Church
Independent Methodist Churches	Undeb yr Annibynwyr Cymraeg (Union of Welsh Independents)
International Ministerial Council of Great Britain	United Free Church of Scotland
Joint Council of Afro-Caribbean Churches	United Reformed Church
Light and Life Mission	Wesleyan Holiness Church
Lutheran Council of Great Britain	

### THE EVANGELICAL ALLIANCE

[www.eauk.org](http://www.eauk.org) (telephone: 020 7207 2100)

#### Full Members

Apostolic Church	Free Church of Scotland
Assemblies of God	Free Methodist Denomination
Baptist Union of Scotland	London Baptist Association
Church of God (Europe and UK)	New Testament Assembly
Church of the Nazarene	Old Baptist Union
Countess of Huntingdon's Connexion	Salvation Army
Elim Pentecostal Church	Wesleyan Reform Union
Free Church of England	

## **ANNEX 2: OTHER KEY DOCUMENTS AND LEGISLATION**

### **Church of England**

- LDBS Interim Guidance on Admissions and Appeals available on [www.london.anglican.org/schools](http://www.london.anglican.org/schools)
- Church of England Board of Education: National Guidance on Admissions to Church of England Schools available on www.

### **Department for Education & Skills/Government**

- School Admissions Code of Practice
- Education Acts 2002; 1998;1997;1996
- Sex Discrimination Act 1975
- Race Relations Act 1976 (and as amended by the Race Relations (Amendment) Act 2000
- Commission for Racial Equality's Code of Practice
- Human Rights Act 1998
- Disability Discrimination Act 1995 (and as amended by Special Educational Needs and Disability Act 2001)
- Code of Practice on the Identification of Special Educational Needs

### **Local Education Authorities**

- Individual LEA'S may well issue guidance and information notes and circulars
- Admission Forums (which usually cover the whole of an LEA in London) will issue advice and guidance
- Details of primary and secondary co-ordinated arrangements for each LEA.